In the Claims:

Please delete claims 13, 14, and 16, and add new claim 20.
Please amend pending claims 1, 2, 3, 5-12 and 15 as follows:

1. A DNA construct comprising a transcriptional regulatory sequence operatively linked to a heterologous gene [of interest] wherein the transcriptional regulatory sequence comprises a transcriptional regulatory polynucleotide selected from the group consisting of:

a) an eIF4A gene promoter having the sequence as set forth in sequence ID NO. 38;

b) a fragment of sequence ID No. 38 wherein the fragment retains the biological characteristics of an elF4A promoter; and

c) a polynucleotide that hybridizes under stringent conditions to an elF4a gene promoter of (a) or its complement and that retains the transcriptional regulatory function of an elF4A promoter.

2. A construct according to claim 1 wherein the transcriptional regulatory sequence further comprises a member selected from the group consisting of

a) at least one eIF4A intron,

b) a fragment of an elF4A intron, said fragment at least 15 nucleotides long and retaining the transcriptional regulatory function of the intron; and

c) A polynucleotide that hybridizes under stringent conditions to the intron of (a) or its complement and retains the transcriptional regulatory function of the intron.

3. A construct according to claim 2 wherein the eIF4A intron is a member selected from the group consisting of intron 1, 2,3,5,6,7 and 9.

5. A construct according to claim 2 wherein the transcriptional regulatory sequence further comprises a member selected from the group consisting of :

a) at least a second eIF4A1 gene intron; and

b) a fragment of a second eIF4A1 intron which is at least 15 nucleotides long and retains the transcriptional regulatory function of the intron.

6. A construct according to claim 1 wherein the eIF4A1 gene promoter fragment is a member selected from the group consisting of – EIF-256, EIF-371, IEF-271, EIF-193, EIF-120, EIF-98, EIF-69, EIF-40.

7. A construct according to claim 2 wherein the regulatory sequence comprises one or more of the sequences as set forth in SEQ.I.D. NO.: 31, 32, 33, 34, 35, 36, and 37.

8. A construct according to claim 1 wherein the construct is a phage, plasmid, virus, minichromosome or transposon.

9. A host cell comprising a construct as claimed in claim 1.

10. A process for the production of a protein which comprises the step of culturing the host cell of claim 9 and optionally recovering the protein.

11. A pharmaceutical composition comprising a construct according to claim 1.

12. A method of treating a disease or disorder comprising the step of administering an effective amount of the construct of claim 1.

15. The method of claim 12 wherein the construct is administered by particle mediated DNA delivery.

20. (Newly added) The method of claim 12 wherein a Th1-type immune response is induced.